

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	Case No. 11-cr-784-4
v.)	
)	Judge John W. Darrah
JUAN AGUIRRE,)	
)	
Defendant.)	

ORDER

Defendant Juan Aguirre filed a Motion for Reduction of Sentence, pursuant to 18 U.S.C. § 3582(c), based on an amendment to the Sentencing Guidelines, which lowered the base offense levels applicable to narcotics offenses. For the reasons stated below, Defendant's Motion [152] is denied.

STATEMENT


On April 30, 2014, the Sentencing Commission promulgated Amendment 782, which revised the Drug Quantity Table and chemical quality tables across drug and chemical types. On July 18, 2014, the Sentencing Commission voted to make Amendment 782 retroactively applicable to previously sentenced prisoners. Amendment 782 became effective on November 1, 2014. Thus, under 18 U.S.C. § 3582(c)(2), previously sentenced prisoners may move to modify their sentences on the basis of the amendment. 18 U.S.C. § 3582(c)(2) allows for a defendant to move to reduce a term of imprisonment when that term is based on a sentencing range that has been subsequently lowered by the Sentencing Commission.

On October 16, 2012, Defendant pled guilty to Count One of the indictment, charging him with a conspiracy to possess with intent to distribute five kilograms or more of cocaine, and to Count Twelve, charging him with money laundering. At Defendant's sentencing hearing on February 5, 2013, Defendant's total offense level was calculated to be 31, with a guidelines range of 108 to 135 months. After considering the sentencing factors, the Court sentenced Defendant to a term of 72 months' imprisonment on Count One and a concurrent term of 60 months' imprisonment on Count Twelve, a sentence below the amended guideline range.

The Sentencing Commission has directed that "the court shall not reduce the defendant's term of imprisonment under 18 U.S.C. § 3582(c)(2) and this policy statement to a term that is less than the minimum of the amended guideline range determined under subdivision (1)." U.S.S.G. 1B1.10(b)(2)(A). Therefore, Amendment 782 does not authorize a reduction of Defendant's sentence.

Defendant's Motion for Reduction of Sentence is denied.

Date: March 4, 2015



JOHN W. DARRAH
United States District Court Judge